

EV316936968

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.10/667,940
Filing Date September 22, 2003 (but accorded a date of September 23, 2003)
Inventor Johns et al.
Applicant Microsoft Corporation
Group Art Unit Not Assigned Yet
Examiner Not Assigned Yet
Attorney's Docket No. MS1-1671US
Confirmation No. Not Assigned Yet
Title: Facilitating Performance Analysis for Processing

PETITION TO ACCORD CORRESPONDENCE A FILING DATE AS OF THE
"DATE-IN" ON THE "EXPRESS MAIL" MAILING LABEL PURSUANT TO
37 C.F.R. §1.181(a)

To: Mail Stop Petition
Commissioner for Patents,
PO Box 1450
Alexandria, Virginia 22313-1450

From: Allan T. Sponseller (Tel. 509-324-9256 (Ext. 215); Fax 509-323-8979)
Customer No. 22801

Applicant respectfully requests the Director to accord the correspondence, which is the application and associated filing papers for U.S. Patent Application No. 10/667,940, the filing date of September 22, 2003 (which is the "Date-in" on the "Express Mail" mailing label).

Pursuant to 37 C.F.R. §1.10(c), this petition is being filed promptly after the undersigned attorney became aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date, the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail", and

1 is hereby authorized to charge any such petition fees to our Deposit Account No.
2 12-0769.

3
4
5 Respectfully Submitted,

6
7 Dated: 10/27/03

8 By: 

9 Allan T. Sponseller
10 Reg. No. 38,318
11 (509) 324-9256 x 215
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1 accompanying this petition is a true copy of the "Express Mail" mailing label
2 showing the "date-in" of September 22, 2003.

3 In support of this petition, the following documents accompany this
4 petition. These documents are true copies of the documents that were submitted as
5 part of the correspondence to the Patent Office using the "Express Mail Post
6 Office to Addressee" service of the USPS in an envelope having an "Express
7 Mail" mailing label with the number EV316936628. These documents are:

8 (1) A true copy of the express mail label having the number
9 EV316936628 and having a "date-in" of September 22, 2003.

10 (2) A true copy of a postcard having the "Express Mail" mailing
11 label number EV316936628 stamped thereon prior to the mailing of the
12 correspondence

13 (3) A true copy of a utility patent application transmittal having the
14 "Express Mail" mailing label number EV316936628 stamped thereon prior
15 to the mailing of the correspondence.

16 (4) A true copy of a nonpublication request having the "Express
17 Mail" mailing label number EV316936628 stamped thereon prior to the
18 mailing of the correspondence.

19 (5) A true copy of the first page (cover sheet) of the application
20 having the "Express Mail" mailing label number EV316936628 stamped
21 thereon prior to the mailing of the correspondence.

22
23 Applicant respectfully requests that U.S. Patent Application No. 10/667,940
24 be accorded a filing date of September 22, 2003. Applicant believes that no fees
25 are required for this Petition, however, if any petition fees are required the Office



10-28-03

EV316936968

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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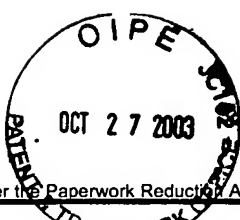
| | | |
|--|----------------------|-----------------------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/667,940 |
| | Filing Date | Sep 22, 2003 |
| | First Named Inventor | Johns |
| | Group Art Unit | |
| | Examiner Name | |
| Total Number of Pages in This Submission | | Attorney Docket Number MS1-1671US |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) Sheets | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Return Receipt Post Card; Attachments to Petition |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | 22801 |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--------------------------------------|
| Firm or Individual name | Allan T. Sponseller, Reg. No. 38,318 |
| Signature | |
| Date | 10/27/03 |

| CERTIFICATE OF EXPRESS MAILING | | |
|---|------------------|---------------|
| I hereby certify that the items listed above as enclosed are being deposited with the U.S. Postal Service as Express Mail, in an envelope addressed to The Commissioner of Patents, Alexandria, VA 22313 on the below-indicated date. The Express Mail No. has also been marked on the listed items. Express Mail No. | | |
| Typed or printed name | Laurie S. Morgan | |
| Signature | | Date 10/27/03 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



EV316936968

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 0.00

Complete if Known

| | |
|----------------------|--------------|
| Application Number | 10/667,940 |
| Filing Date | Sep 22, 2003 |
| First Named Inventor | Johns |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | MS1-1671US |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

12-0769

Lee & Hayes, PLLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | (\$) 0.00 | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | | Fee from below | | Fee Paid |
|--------------------|----------------------|--------------|----------------------|----------------|----------------------|----------------------|
| Total Claims | <input type="text"/> | -20** = | <input type="text"/> | X | <input type="text"/> | <input type="text"/> |
| Independent Claims | <input type="text"/> | -3** = | <input type="text"/> | X | <input type="text"/> | <input type="text"/> |
| Multiple Dependent | | | | | <input type="text"/> | <input type="text"/> |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity | Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type) Allan T. Sponseller

Registration No.
(Attorney/Agent)

38,318

Telephone (509) 324-9256

Signature

Date

10/27/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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EV 316936628 US



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| Express Mail Corporate Acct. No. X992092 | | Total Postage & Fees \$ 13 65 |

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| Mo. Day | | |
| Delivery Date | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | |
| <input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery. | | |
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EV316936968

MS1-1671US

Microsoft Corporation

9/22/2003

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:
Title: "Facilitating Performance Analysis for Processing"
Inventorship: Johns et al.

1. Transmittal Letter
2. Fee Transmittal
3. Nonpublication Request
4. New patent application (title page plus pages 1-64, including claims 1-20 & Abstract)
5. Executed Declaration
6. 27 sheets of formal drawings (Figs. 1-28)
7. Assignment w/Recordation Cover Sheet
8. PTO Return Postcard Receipt

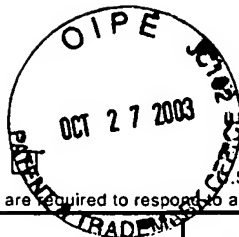
22141 U.S. PTO
10/667940



092303

EV316936628

LEE & HAYES, PLLC
/s/LEE & HAYES, PLLC



EV316936968

PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|--|
| Attorney Docket No. | MS1-1671US |
| First Inventor | Johns |
| Title | Facilitating Performance Analysis for Processing |
| Express Mail Label No. | EV316936628 |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **65**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **27**]
5. Oath or Declaration [Total Pages **2**]
 - a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
 - b. ☐ (for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

Mail Stop Patent Application
ADDRESS TO: Commissioner for Patents/P.O. Box 1450
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____/_____

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label **22801** or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Allan T. Sponseller

Registration No. (Attorney/Agent)

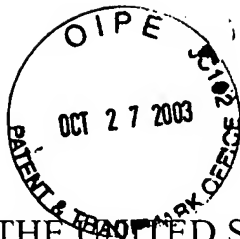
38,318

Signature

Date

9/22/03

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EV316936628

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR LETTERS PATENT

Facilitating Performance Analysis for Processing

Inventor(s):
Kyle R. Johns
J. Andrew Goossen

ATTORNEY'S DOCKET NO. MS1-1671US

EV316936968